IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Bail Appl..No. 6815 of 2007()

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CRIME NUMBER NOT KNOWN

PETITIONER/ACCUSED:

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K.M.GEORGE JOSEPH
PROPRIETOR,VIMAL GAS,
PALLURUTHY, COCHIN-6

BY ADV. SRI.S.RAMESH BABU

RESPONDENTS: RESPONDENTS

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1. THE SUB INSPECTOR OF POLICE
PALLURUTHY POLICE STATION
PALLURUTHY.

2. THE STATE OF KERALA REPRESENTED
BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

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**B.A.No. 6815 of 2007**

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Dated this the 14th day of November, 2007

**ORDER**

Application for anticipatory bail. Petitioner faces allegations under Sec.7 of the Essential Commodities Act read with Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 2000. The crux of the allegation against the petitioner is that when his premises were inspected, the officials found excess and shortage of various categories of LPGs stored by him. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The insignificant differences in stock seen in the inspection conducted by the Officials may not be reckoned as sufficient to justify the arrest and incarceration of the petitioner. The learned counsel for the petitioner has drawn attention to Annexure I Mahazar prepared by the officials who conducted the inspection. Domestic LPG was found to be short by 14 cylinders in a total stock of 752 cylinders. Similarly empty cylinders of LPG were found to be excess by 17 cylinders.

Commercial LPG cylinders were found to be two cylinders in excess, whereas, empty cylinders were found to be excess by 14.

3. The learned counsel for the petitioner prays the learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the peculiar facts and circumstances referred above, that the petitioner can be granted anticipatory bail. Appropriate conditions can of course be imposed to ensure the interests of a fair, efficient and expeditious investigation.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 21.11.2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 22.11.2007 and 23.11.07 thereafter he shall make

himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of one month and thereafter as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 21.11.2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 21.11.2007.

**(R.BASANT, JUDGE)**

sj

/TRUE COPY/

P.A.TO JUDGE